

Message Text

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FOR CU/ARA AND D/HA AND ARA/ECA

E.O. 11652: N/A
TAGS: OEXC, SHUM, AR
SUBJECT: SPECIAL AMSPEC REQUEST FSN JUSTICE ADMINISTRATION

REF: (A) BUENOS AIRES 4792 (B) STATE 150771

1. FURTHER CONVERSATION WITH FORUM DIRECTOR HORACIO LYNCH HAS STRENGTHENED OUR CONVICTION THAT WE SHOULD SEIZE OPPORTUNITY AFFORDED BY CONFERENCE TO ADVANCE OUR HUMAN RIGHTS INTERESTS IN ARGENTINA BY FULFILLING SPECIAL AMSPEC REQUEST.

2. LYNCH AND COLLEAGUES ARE YOUNG CONSERVATIVE LAWYERS WHO ARE CONVINCED THAT FAILURE OF THE COURT SYSTEM TO FULFILL ITS CONSTITUTIONAL ROLE HAS BEEN A MAJOR IMPEDIMENT TO INSTITUTIONAL STABILITY IN ARGENTINA. LYNCH ASSERTED TO US THAT HAD COURTS BEEN A VIABLE ENTITY IN 1975 AND DEALT WITH THE MISGOVERNMENT OF MRS. PERON WITHIN THE LAW (I.E. BY REMOVING HER FROM OFFICE), IT MIGHT HAVE PREVENTED THE MILITARY COUP OF MARCH 1976 AND PRESERVED CONSTITUTIONAL GOVERNMENT. LYNCH GROUP'S OBJECTIVE IS TO STRENGTHEN COURTS AND THE RULE OF LAW THROUGH JUDICIAL REFORM.

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3. THE PROPOSED AMSPEC CANDIDATES ADVANCED BY LYNCH AND LISTED IN OUR PREVIOUS CABLES WERE PROVIDED BY DR. FRANK REISNER OF THE UNIV. OF ILLINOIS AND WERE MERELY INTENDED TO BE ILLUSTRATIVE. LYNCH WOULD PREFER A JUDGE TO AN ACADEMIC BECAUSE THE LATTER IN ARGENTINA HAVE TENDENCY TO BE OVERLY THEORETICAL, BUT HE LEAVES SELECTION TO USG JUDGMENT. WHAT CONFERENCE SPONSORS WOULD PREFER IS A U.S. JUDICIAL AUTHORITY

WHO IN ONE OR TWO SESSIONS COULD COVER:

(A) THE 1906 MOVEMENT OF JUDICIAL REFORM SPONSORED BY THE AMERICAN BAR ASSOCIATION, THE PROBLEMS ENCOUNTERED AND HOW RESOLVED;

(B) A BRIEF OVERVIEW OF THE ROLE OF THE SUPREME COURT, ESPECIALLY IN TERMS OF JUDICIAL REVIEW OF LEGISLATION;

(C) THE SUPREME COURT'S RESOLUTION OF LANDMARK CONSTITUTIONAL ISSUES SUCH AS THE SEGREGATION ISSUE IN THE 1950'S, I.E. HOW THE COURT HAS CHANGED HISTORY;

(D) THE PROBLEMS OF JUDICIAL ADMINISTRATION IN THE U.S., INCLUDING THE DIVISION OF WORK ON THE SUPREME COURT, THE ROLE OF LAWYERS' BRIEFS AND ORAL PRESENTATIONS IN INFLUENCING THE DECISIONS OF THE COURT;

(E) CONFLICT RESOLUTION IN THE U.S. COURTS, INCLUDING SUCH INNOVATIONS AS CLASS ACTION SUITS.

4. LYNCH PREPARED TO ARRANGE ADDITIONAL TALK IN THE BUENOS AIRES BAR ASSOCIATION AND IS ALSO INTERESTED IN PROGRAMMING AMSPEC WITH LAWYERS' GROUP IN URUGUAY. IF NECESSARY, LYNCH GROUP ABLE TO PICK UP SOME PORTION OF LOCAL COSTS.

5. LYNCH GROUP PRESENTS OPPORTUNITY WE HAVE BEEN SEEKING TO UTILIZE U.S. LEGAL AUTHORITY AMSPEC IN SUPPORT OF OUR HUMAN RIGHTS OBJECTIVES. THE PEDIGREE FAMILY NAMES REPRESENTED ON THE GROUP'S BOARD AND MEMBERSHIP ROLLS AND THEIR ACCESS TO LIMITED OFFICIAL USE

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BUENOS AIRES PROVINCIAL AND OTHER OFFICIALS CAN BE TURNED TO OUR ADVANTAGE. WE CAN USE THIS PRESTIGIOUS GROUP AS A VEHICLE AND PLATFORM FOR PUTTING ACROSS OUR MESSAGE. WE ARE INTERESTED IN HAVING A WELL-QUALIFIED SPEAKER, PREFERABLY A CRACKERJACK AND PROMINENT JUDICIAL AUTHORITY OR LAWYER, WHO IS ADDITION TO FULFILLING THE REQUIREMENTS SET BY THE CONFERENCE SPONSORS, CAN SUBTLY WEAVE INTO THE FABRIC OF HIS TALKS THE PREMIUM VALUE OUR SYSTEM PLACES ON THE RULE OF LAW AND RESPECT FOR HUMAN RIGHTS. THE THEME WE ARE INTERESTED IN IS HOW THE U.S. COURT HAS APPROACHED AND RESOLVED IN A FREE SOCIETY THE ISSUE OF BALANCING INDIVIDUAL RIGHTS VS. THE PROTECTION OF THE STATE FROM SEDITION. WE NEED AN AMSPEC WHO IS CAPABLE OF PURSUING THIS THEME WITHOUT OFFENDING THE SENSIBILITIES OF AN ESSENTIALLY CONSERVATIVE AUDIENCE THAT HAS BEEN PROFOUNDLY TROUBLED BY THE RECENT EXPERIENCE OF ANARCHY, CHAOS, LEFTWING AND GOVERNMENT TERRORISM.

6 IN ORDER TO CARRY OUT WHAT WE BELIEVE TO BE AN IMPORTANT COURSE OF ACTION IN PURSUIT OF THE PRESIDENT'S HUMAN RIGHTS POLICY IN ARGENTINA, WE REQUEST THE SUPPORT OF CU AND D/HA IN RESOLVING EXPEDITIOUSLY AND BY WHATEVER MEANS NECESSARY THE ISSUE OF REGIONAL PROGRAMMING RAISED IN REFTTEL B.

7 TIME PERMITTING, WE WOULD ALSO PROPOSE TO PROGRAM THE SPECIAL AMSPEC WITH GOVERNMENT AND ARMED FORCES OFFICIALS, INCLUDING MILITARY AND CIVIL JUDICIAL AUTHORITIES.

8. REQUEST RESPONSE SOONEST, INCLUDING DEPT.'S THOUGHTS AS TO APPROPRIATE CANDIDATE. OUR PRIORITY IS ON HAVING A PRESTIGIOUS JUDICIAL FIGURE; LANGUAGE CAPABILITY IS OF SECONDARY IMPORTANCE AS TRANSLATION FACILITIES AVAILABLE. CHAPLIN

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